

REMARKS

I. Status of the Claims

Claims 1, 5-17 and 19-24 were pending at the time of the Action. Claims 1, 5-17 and 19-24 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,399,570 to Tracy et al. ("Tracy") or U.S. Patent No. 5,489,181 to Greaves ("Greaves"). Claims 19-21 stand rejected as being anticipated by U.S. Patent No. 6,089,354 to Hettegger ("Hettegger")

Claims 19-21 have been canceled; therefore, the rejection of Claims 19-21 as being anticipated by Hettegger is moot.

II. Claim 22 satisfies the requirements of 35 U.S.C. § 112

Claim 22 stands rejected under 35 U.S.C. § 112, second paragraph. The Action states that there is no clear antecedent basis for "the supportive surface shared by the vehicle" recited in line 6 of Claim 22. The Action takes the position that it is not clear how the vehicle shares a supportive surface. Applicant submits that antecedent basis for "the supportive surface shared by the vehicle" is found in lines 4-5 of Claim 22, which states as follows "the vehicle resting on the ground or a supportive surface..." As can be seen in **Figure 1**, of the current application, the vehicle **1** and the guide means (*e.g.*, the guide rail **3**) both rest on a shared supportive surface or ground. However, to expedite prosecution, Claim 22 has been amended to recite, "the second end of the guide means being configured to rest on the supportive surface underlying the vehicle..."

Accordingly, Applicant submits that Claim 22 satisfies the requirements of § 112; however, if the rejection is maintained, the Examiner is respectfully requested to suggest alternative language.

III. Claims 1, 5-17, and 22-24 are patentable over Tracy and Greaves

Claims 1 and 22 recite that the passenger is lifted by the transporting means towards the attachment means in both a vertical and horizontal direction. In addition, Claims 1 and 22 recite that the vehicle rests on the ground or a supportive surface and the second end of the guide

means is configured to rest on the ground or the supportive surface. As discussed above, this configuration is illustrated in **Figure 1**, which illustrates the vehicle **1** and the guide rail **3** resting on a common, shared surface or ground. Applicant submits that at least these features are not disclosed in the cited prior art.

A. Tracy

Tracy proposes a portable lift for use in aiding handicapped individuals in boarding or debarking from boats, pools, airplanes and saunas. The lift includes adapters, which permit use of the lift on the side of a boat, with a hot tub or sauna, with a swimming pool, and with an airplane. *See*, col. 1, lines 46-51. As can be seen in **Figure 1** of Tracy, the seat **30** moves in a vertical direction and not in both a vertical and horizontal direction as recited in Claims 1 and 22. Tracy discusses standoff support bases **34** and **36** are provided, which are attached to and support vertical structural members **24** and **29**, respectively. *See*, col. 2, lines 40-42.

Therefore, Tracy does not disclose a configuration in which the passenger can be moved in both a vertical and horizontal direction as recited in Claims 1 and 22. Applicant submits that Tracy does not teach at least this recitation of Claims 1 and 22, and requests that the rejection under § 102 be withdrawn.

In addition, based on the disclosure of Tracy, it is unclear how the lift in Tracy could be modified to allow both vertical and horizontal movement, and nothing in Tracy suggests such a modification. Therefore, Claims 1 and 22 and Claims 5-17 and 23-34 depending therefrom are patentable over Tracy.

B. Greaves

Greaves proposes a transport apparatus that is designed to facilitate loading and unloading an aircraft vehicle. As can be seen in **Figure 2** of Greaves, the apparatus **10** includes a track assembly **30** that is supported by pneumatic tires or wheels **94, 95**. The track assembly **30** includes rails **97, 98**, which the Action identifies as equivalent to the linear guide means of the current claims. *See*, the Action, page 3. As clearly shown in **Figure 2**, the track assembly **30** does not rest on the ground or a supportive surface shared by the vehicle. Instead, the track

assembly 30 is supported by the wheels 94, 95, and, as shown in **Figure 2**, the wheels 94, 95 prevent the track assembly 30 from resting on the ground. Accordingly, Greaves does not disclose all of the elements recited in Claims 1 and 22 as required by § 102, and Applicant requests that the rejection be withdrawn.

In addition, Greaves further states that the wheels 94, 95 are large and widely spaced apart so that the wheels 94, 95, in cooperation with the rear truck 22, help the overall construction of the apparatus 10 to be very sturdy for load transportation purposes. *See*, col. 4, lines 14-20. Greaves discusses that the wheels 94, 95 are provided as part of the undercarriage "to rollably support the track assembly 30 above the ground 14." Col. 4, lines 9-13 (emphasis added). Therefore, Greaves teaches away from the claimed configuration because, if the track assembly 30 or the rails 97, 98 rested on the ground 14, the track assembly 30 would not be rollable. Therefore, nothing in Greaves teaches or suggests a configuration in which the second end of the guide means is configured to rest on a supportive surface or ground shared by the vehicle as recited in Claims 1 and 22.

Therefore, Claims 1 and 22 and Claims 5-17 and 23-34 depending therefrom are patentable over Greaves.

IV. Conclusion

In light of the above amendments and remarks, Applicant submits that the pending claims are patentable over the cited reference. Accordingly, Applicants respectfully request allowance of the present application and passing the application to issue.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Laura M. Kelley", written in a cursive style.

Laura M. Kelley
Registration No. 48,441

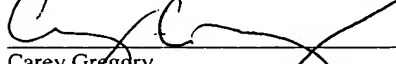
In re: John Stewart Jakes
Serial No.: 10/001,320
Filed: October 19, 2001
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Myers Bigel Sibley & Sajovec, P.A.
Post Office Box 37428
Raleigh, NC 27627
Telephone (919) 854-1400
Facsimile (919) 854-1401

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Date of Signature: December 16, 2004